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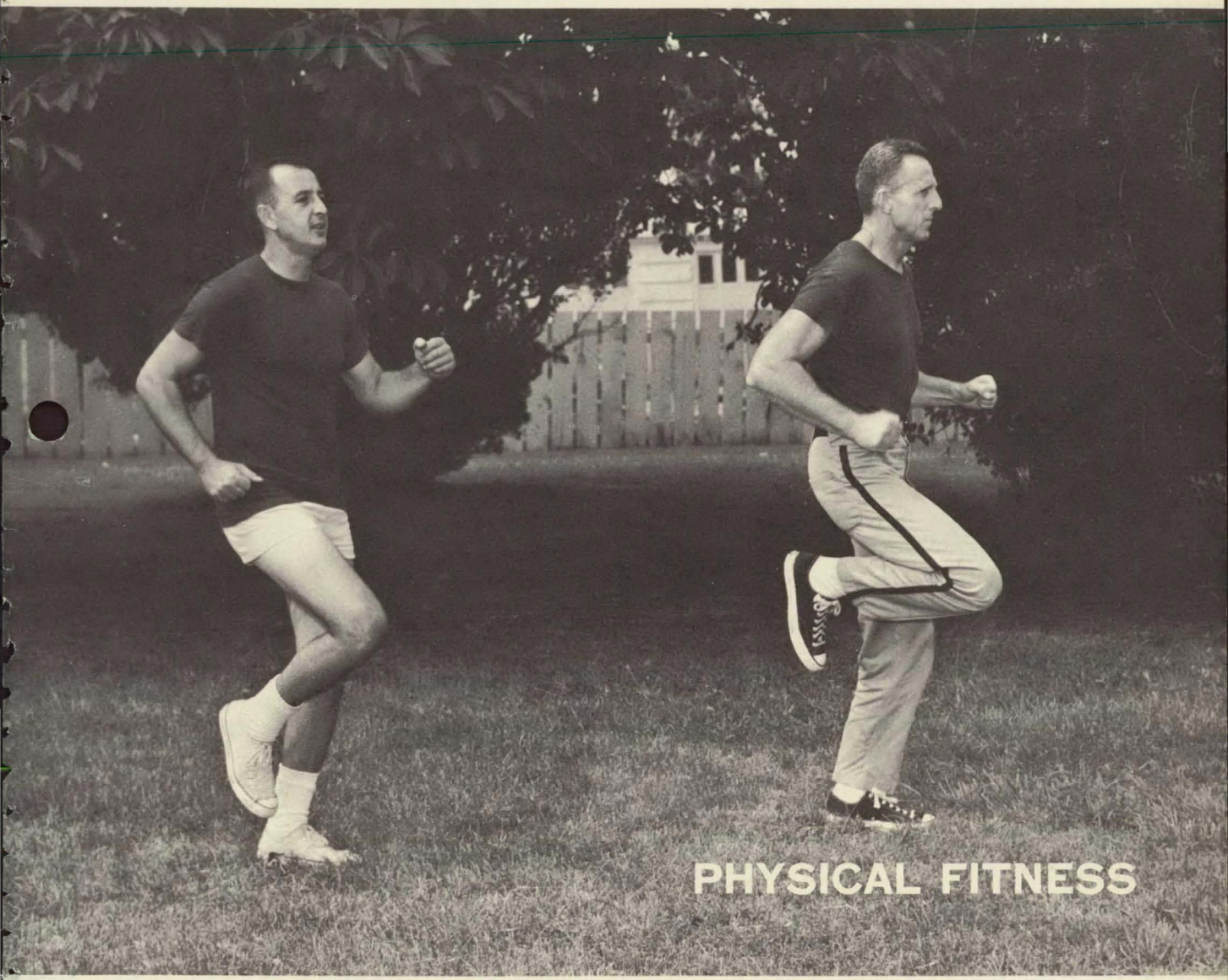
LAW ENFORCEMENT BULLETIN



PHYSICAL FITNESS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
J. EDGAR HOOVER, DIRECTOR

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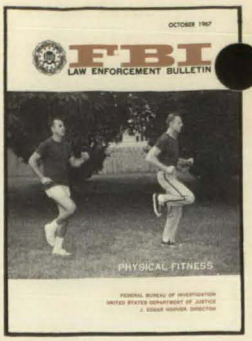

THE COVER—*Physical Fitness. See article, "Run For Your Life," on page 2.*

FBI

LAW ENFORCEMENT BULLETIN

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MESSAGE FROM THE DIRECTOR

IN A RIOT THERE ARE NO VICTORS. The losers include everybody—the rioters, the victims, law enforcement, the community, the State, and the Nation.

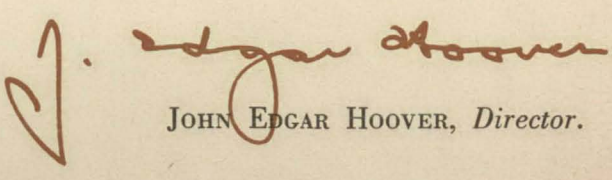
Causes of riots can be counted by the score. A study of the overall problem indicates, however, that the widespread violence in our country to some degree is a direct outgrowth of the civil disobedience movement. In recent years, some leaders of dubious stature have made a grandiose gesture of willfully violating laws they deem to be unjust. For the most part, these individuals, although admittedly guilty of breaking the law, have gone unpunished. Young thugs and misguided teenagers, seeing others defy authority and the courts with impunity, have been led to believe that any crime under a banner of complaints is justified. Consequently, they ignore the law and roam through their communities creating violence and terror. Certainly, those who espouse the theory of civil disobedience and authorities who free guilty violators must share a portion of the blame and responsibility for the turmoil in our streets. It should be abundantly clear that the doctrine of civil disobedience is a doctrine of self-destruction.

Stern, decisive action is needed when a street disturbance begins. Justice is not served when a growing horde of vandals and looters is appeased and their pillage overlooked lest "a show of force might provoke them to greater violence." Quiescence does not satisfy rioters. Procrastination or uncertainty on the part of authorities denotes weakness or concession to a mob. Thus, the offenders are encouraged, and their violence gains momentum.

A judicial self-appraisal by the news media of their riot coverage might also be in order. Some media have already taken action in this regard. There can be no quarrel with the all-important role of keeping the public informed as quickly and as completely as possible. No one rightfully expects riots to be played down or salient facts withheld.

On the other hand, militant agitators, hatemongers, and publicity-seeking rabble rousers who incite riots have no fear of overexposure. They know that television, radio, and front-page news stories are the best and quickest means of getting their views before the public. Thus, they seek attention from the news media. In riot reporting, objectivity and balance, always key factors of responsible journalism, help expose distortion and reduce the special treatment of those who advocate violence. Strict adherence to high journalistic principles is a valuable public service in matters affecting public safety.

Many proposals have been advanced to help eliminate the causes of riots. Just as there is no single cause, there is no single remedy. I do know, however, that the answer will not be found in sociological remedies alone. If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be detected and arrested, promptly prosecuted, and given proper, substantial punishment. In halting riots and removing crime from our Nation's streets, this should be the first order of business.



OCTOBER 1, 1967

JOHN EDGAR HOOVER, *Director.*

Run For Your Life

"Lack of exercise is the major cause of coronary heart disease. Physically fit people can stand up under stress better than the unfit."

Are you overweight, soft, flabby, tired, and under par most of the time?

Do you look, feel and act 10 years older than you actually are?

Does the slightest bit of physical exercise cause your heart to pound and make you gasp for breath?

Tell a man to "run for your life" and he will look away from himself, searching for the external danger—a falling building, a tornado, or an irate mother-in-law. He looks the wrong way. Many, or most, of the men living in this sedentary age would find a greater potential peril within themselves, the danger of cardiovascular degeneration—an untimely wasting away of the heart and the blood vessels. And it is a hazard which man can measurably reduce if he runs for his life.

The human body has been likened to a machine, and without a doubt it is the most complex, intricate, and efficient machine known to man. The human machine differs significantly from all others, however, in that the more it is used and the greater the demands made upon it, the more efficient it becomes. It actually improves with work; other machines simply wear out.

It has long been established that if a part of the body is not used it becomes atrophied—it wastes away. Most human machines do not wear out, they simply "rust out" because of prolonged inactivity. One of the more popular misconceptions concerning physical fitness is the one which claims that the more physical work a person does and the more demands he makes on the body, the sooner he will die. Actually, quite the opposite is true. Unless a person engages in regular exercise and makes certain physical demands on his body, he will degenerate faster than otherwise.

In a broad sense the term physical fitness can describe many things. Physical fitness can and does include the condition of the circulatory system, the ability to withstand disease, the resistance to fatigue, a person's general state of mind, etc. Motor fitness is the term used to denote specific physical aspects of fitness—the ability to perform certain actions such as running, jumping, lifting, climbing, swimming, enduring long hours of continuous work, etc. Motor fitness consists of six elements: balance, flexibility, agility, strength, power, and endurance.[1]

In physical fitness personal appearance means little. Many persons evaluate fitness on appearance alone and go no farther than skindeep. A good physique and healthy complexion are desirable, but they are important not merely because they contribute to an attractive appearance but because they indicate an internal well-being that is much more important.[2]

An Efficient Heart

A great many things contribute to a well-conditioned body, but it is generally accepted that the key to physical fitness is the cardiovascular (circulatory) system—the heart and blood vessels. This becomes obvious when we consider the job which the bloodstream performs. It carries nutriment and oxygen to every cell of the body, exchanging them for waste products to be eliminated. It distributes hormones throughout the body, and it fights infectious diseases.[3]

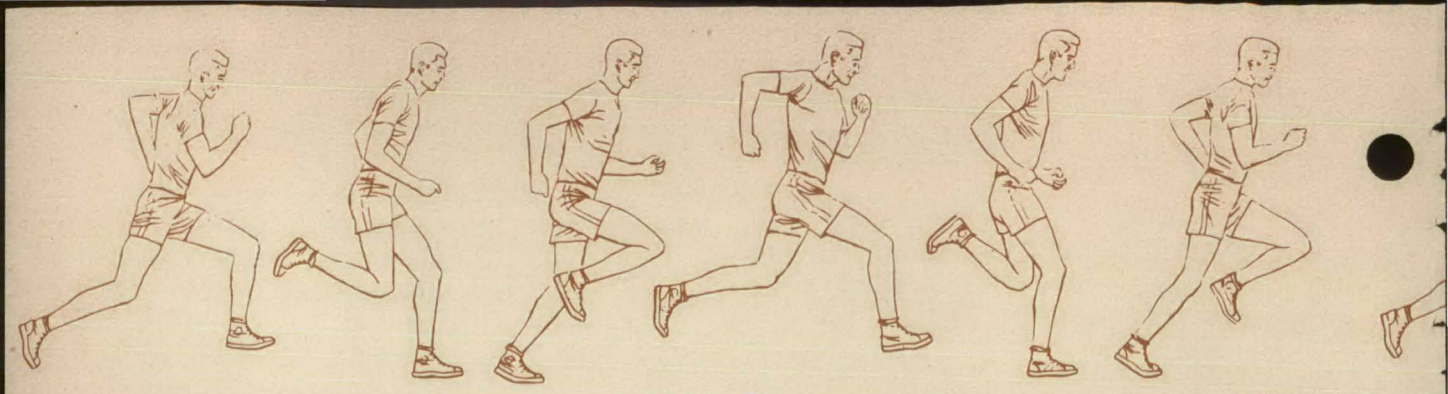
In recent years a tremendous amount of research has been conducted on the effects of exercise on the heart. Without exception these studies have concluded that regular exercise, particularly of the endurance type, such as running, strengthens the heart, dilates the arteries, and helps maintain the elasticity of the blood vessels. The heart is a muscle and like all muscles, if it is organically sound, improves and becomes stronger when subjected to work.

Studies reveal that the heart is able to deliver more blood, more efficiently, upon demand, when it is "in training" than when it has been allowed to deteriorate by years of sedentary living and little or no exercise.

> The athlete's heart is a trained heart, though it may differ little from that of millions of men living simple lives all around the world who stay in training by doing what comes naturally. It is the same size as anybody else's heart or only a trifle bigger. The athletic heart at rest beats more slowly than the average man's at the rate of about 60 per minute. The slow beat is good because it leaves plenty of time for the right ventricle to fill with blood to be forced to the lungs, and for the left ventricle to force out a steady stream of oxygenated blood to the aorta.[4]
>
> This slow beat is also the most efficient because the heart is taking a minimum of blood for its own nourishment through its coronary arteries. And when the trained heart speeds up, as it must on demand for a burst of physical activity, it still accelerates more slowly than the "loafer's heart" and never attains as high a rate for the same work load.[5]

A slower rate also allows the heart more rest between strokes.

The first International Conference on Preventive Cardiology, held at the University of Vermont during August 1964, concluded that exercise is not only good for the young and healthy heart, to keep it healthy as long as possible, but also for the not-so-young heart in a body growing flabby with fat, and even for the person who already has had a heart attack. Lack of exercise has become a widespread problem in this country due to mechanization and automation—the countless devices which tend to keep man from using his muscles. As a result, we are now experiencing an epidemic of arterial degeneration, resulting in a wave of heart attacks. Heart disease



now takes a yearly toll of nearly a million Americans, 250,000 of whom die "prematurely," below age 65.[6]

Some Views

Let us take a glance and see what some of the leading medical authorities have to say about exercise, age, and the heart:

Wilhelm Raab, M.D., a cardiovascular research director and professor at the University of Vermont College of Medicine, says, "Lack of exercise is the major cause of coronary heart disease. Physically fit people can stand up under stress better than the unfit."

Paul Dudley White, M.D., one of the Nation's foremost heart specialists, says: "The general warning to stop all vigorous exercise at 40 seems to me to be ridiculous and, more likely than not, actually leads to an increase of coronary attacks or hardening of the arteries. If you want heart trouble, be inert physically."[7]

Herman K. Hellerstein, M.D., Western Reserve University, says: "It's a joke that after 30 years, when men and women need exercise most, they think they are too old for it. Exercise will prevent or hold off a heart attack for from 8 to 10 years. The victims will recover faster and the attack will be milder."[8]

We can now conclude that those who exercise regularly should continue to do so steadily all through life. For those who have subjected themselves to long years of little or no exercise, it means getting back into training by a graduated program of regular exercise. In endeavoring to "get back in shape"—to raise the level of one's physical fitness—one should first select and use those activities (exercises) which will increase the efficiency of the cardiovascular and respiratory systems, in short, increase endurance.

Perhaps the most important ingredient of physical fitness is *endurance*, the human capacity to stand pain, distress, and fatigue over a lengthy period of time. Good endurance is the result of a combination of will power, a strong and tough central nervous system, muscular fitness and cardiovascular fitness. Your power of endurance is possibly one of the more sensitive gauges to your general condition, and the most tangible evidence of any gains in physical fitness you may have made.[9]

Endurance is directly related to the circulatory and respiratory systems. To increase endurance you must develop and strengthen the heart, blood vessels, and the lungs. The development of an efficient circulatory and respiratory system directly affects the development of total fitness. Activities which develop these systems simultaneously improve the tone of the large muscle groups and make the body more flexible, agile, and strong.

Isometric exercises and calisthenics may form large muscles but do not benefit the heart and lungs particularly. How well the heart and lungs function is much more important to health and a long life than the degree of muscular development.[10]

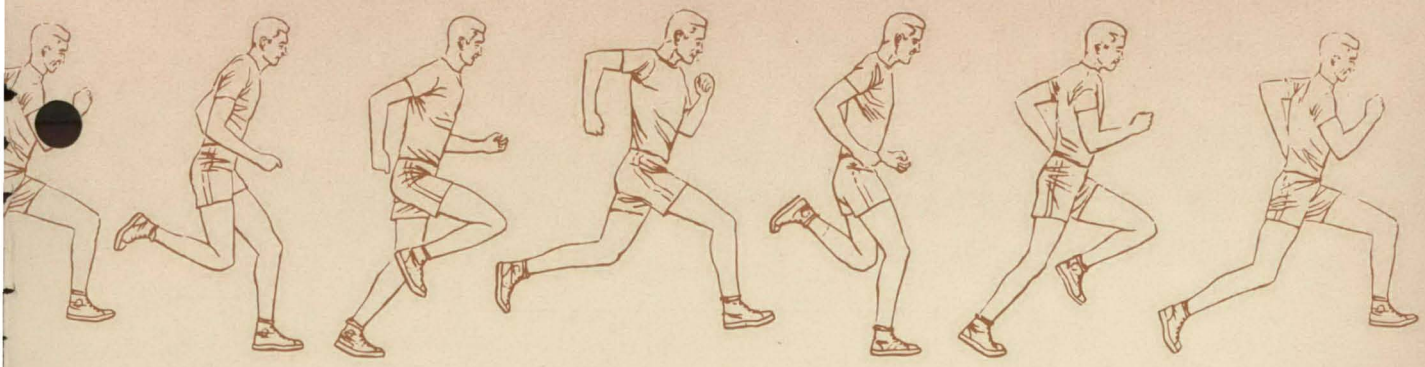
Probably the best all-around activity for developing and maintaining cardiovascular and respiratory efficiency is running or jogging. Running or jogging is one of the most natural and simplest of all activities to perform, and the benefits obtained require less time than other activities. It can be done alone in a wide variety of places, at any time of the day or night, and requires no special equipment. Most authorities readily agree that if a person wants to improve his physical condition and better his chances for a longer and more satisfying life, he should engage in some type of regular running or jogging activity.

During recent years numerous running or jogging clubs have cropped up in various parts of the country. These clubs have been created for the primary purpose of increasing the level of physical fitness through regular running and jogging. In addition to these clubs, countless others are engaged in a running program on an individual basis and likewise have as their objective running for health's sake—for the sake of their own lives rather than for competition.

Graduated Exercise

Many individuals who previously suffered heart attacks have made remarkable recoveries through supervised exercise programs featuring running, jogging, and other endurance-type activities. Years ago the advice given to many heart patients was to "slow down and take it easy." Recently some medical authorities have advocated graduated exercise programs for the rehabilitation of a great many of these patients and the results have been astonishing.

One case in particular concerns a man who, on his 65th birthday, ran 10 continuous miles in the amazing time of 71 minutes and 11 seconds.



This is certainly no world's record, but even more amazing than the age, time, or distance is the fact that several years earlier this same individual had suffered a major heart attack.[11] This is but one example of the benefits which can be obtained from a regular, graduated, endurance-type exercise program.

A regular running program is particularly well suited for increasing the level of fitness on the part of the law enforcement officer, many of whom ride in a patrol car hour after hour, day after day, or walk a beat. The officer who walks the beat generally is better off physically than the one who rides the patrol car because walking in itself is a good exercise, but it is simply not enough. Walking does not tax the heart and lungs sufficiently to permit them to improve. A graduated running program that slowly but progressively makes greater demands on the body will increase cardiovascular efficiency and endurance and significantly raise the level of fitness.

The very nature of the job requires the law enforcement officer time and time again to handle situations which make great demands on his physical capacity. Endurance on the part of the officer is not only desirable, it is a necessity because in many instances it spells the difference between success or failure—even life or death. Lack of endurance can have serious consequences. An officer will answer a disturbance call in a third floor hotel room and, in an effort to save time, race up three flights of stairs rather than wait for the elevator. He arrives at the scene to find that his heart is pounding in his chest, he is gasping for breath, completely exhausted and obviously in no condition to handle the situation. Similarly, the officer who chases a fleeing subject for three blocks before finally catching him discovers that he is so fatigued and weakened from the chase that he cannot physically subdue the subject in the act of arrest, nor can he adequately defend his own life if attacked. These are but two examples of the importance of fitness for those in law enforcement.

A Desire

Participation in a regular running and jogging program, whether on an individual basis or with others, requires *mental discipline*, *perseverance*, and *sacrifice*.

Mental discipline, because to develop the proper frame of mind, to become "mentally tough," and to have the desire to succeed, is the first step toward self-improvement in any endeavor. Initially, one must come to realize that his level of fitness is not what it should be and positive steps are necessary to alleviate this condition. He should accept the self-made challenge to improve his physical condition and approach this with the idea that it is going to be both rewarding and fun. One of the greatest deterrents to running and jogging is the concern over what others might think when they see someone running around the block during the wee hours of the morning or during the black of night. Mental discipline is necessary so that he will not be adversely influenced by what others might think or even say.

The individual who reluctantly undertakes such a program not because he really wants to, but because he feels he has to, and looks upon this as sheer misery and torture, is doomed to failure from the very start.

Perseverance is required because in order to obtain the most desirable results and significantly raise his level of fitness, he must "stick to it" and make his running and jogging as much a part of his life as he does three meals a day.

Sacrifice is also required because such a program as this takes time which otherwise might be spent reading, sleeping, watching TV, etc. Everything of value has a price tag and attaining a high level of physical fitness is no exception. It costs both time and effort to "get into shape."

In the law enforcement profession we frequently refer to the familiar "5 W's and H," the *Who, What, Why, When, Where, and How* of a crime. We recognize that a crime is solved when these 6 questions can be answered fully and factually. The same "5 W's and H" can be applied to a running or jogging program for improved physical fitness as follows:

WHO—Practically everyone can obtain beneficial results from a regular program of running and jogging regardless of age, sex, body build, physical condition, etc. However, there are some who, for one reason or

another, should not engage in this type of activity. Before entering into such a program, you should have a complete physical examination by your doctor and obtain his advice concerning your participation. The initial physical examination should be followed by periodic checkups as the program develops.

WHAT—A regular running or jogging program that starts at a relatively low level, such as a short, brisk walk, and gradually progresses to alternate walking and jogging and finally to a continuous jog or run of from 2 to 3 miles or more.

WHY—A regular graduated running or jogging program will significantly raise your level of physical fitness. It strengthens the heart and lungs, enlarges the diameter of the blood vessels and makes them more flexible, tones the large muscles of the body, particularly in the legs, hips, and lower back, increases endurance, and helps in weight control. In short, you will feel better, look better, enjoy life more fully, and be quite capable of meeting emergency situations which require an all-out physical effort.

WHEN—Excellent results can be obtained by running or jogging 4 or 5 days a week. This should be sufficient to develop and maintain a relatively high level of fitness.

Daily strenuous jogging is not recommended. Daily strenuous exercise, according to experience in training distance runners, tends to cause excessive fatigue.[12]

Some prefer to do their running during the early morning hours prior to going to work while others run during the evenings or at night. Some are fortunate in that their work schedule allows them to do their running during the daytime. Actually, there is no "best time" for running or jogging—almost any time will do; except you should not do this immediately after eating. Find the time that best fits your schedule and stay with it; be regular.

WHERE—Fortunately, you can run or jog almost anywhere—on an indoor or outdoor track, around the block, a vacant lot, a school playground, a park, along a country road, cross country, or even around the house. During inclement weather and where there is no indoor facility available, you can run-in-place in your own home and obtain satisfactory results.

HOW—An individual in relatively poor physical condition should not attempt to jog or run until he has progressed to the point where he can walk a mile briskly without experiencing undue breathlessness and/or fatigue. Next he can start jogging. A jog is the nearest gait to a walk without actually running. Jog until you are panting, then slow down to a walk. When you are breathing easy again, start jogging and continue alternately walking and jogging.

As your level of fitness increases, you progress by increasing the time spent jogging and decrease the time spent walking. By gradually increasing the demands made upon the body, you will discover that the body readily adjusts to this increased load, resulting in a higher level of fitness. In essence, this is the principle of "progressive overload," which is used in a great many physical training activities.

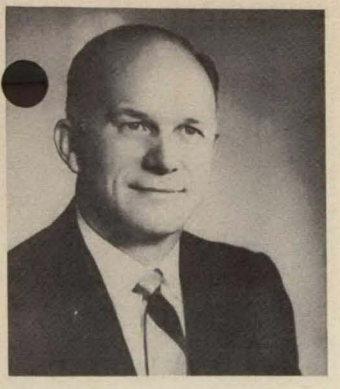
After approximately 12 weeks of training, the average person should be able to jog continuously for 2 to 2½ miles in 20 to 25 minutes. You can continue to raise your level of fitness by alternating jogging with running, by increasing the distance, by running the distance in less time, or by increasing the time spent in running or jogging. Actually, the important factor is not so much how far you run or how fast, but rather h[illegible] long. The time spent running or jogging will be the period in which the heart beats faster, the arteries are stretched and dilated, and the lungs are forced to expand.

Exercise Habit

It is very important to be regular in your jogging or running and to develop the "exercise habit." Equally important is that you start your program at a low level and not push yourself too hard or too fast and overdo it. *Do not try to rebuild in several days or even weeks that which has taken years to wreck.* A certain amount of physical fatigue brought on by running or jogging is pleasant, but too much can be exhausting and do more harm than good.[13]

Generally, exercise has been too strenuous if any of the following conditions are present:

(*Continued on page 17*)



I. OTTO RHOADES
Supervisor of Operations,
Illinois State Highway Police Radio,
Springfield, Ill.

Illinois State Police Emergency Radio Network

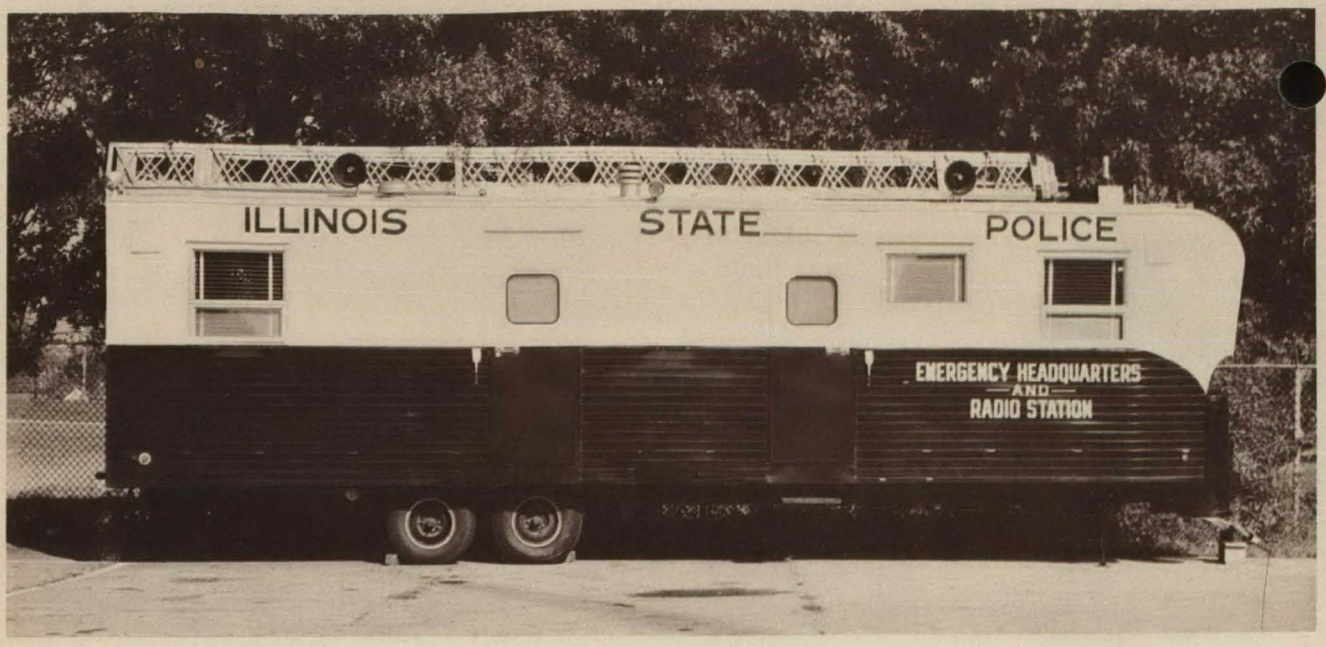
The success with which police forces are mobilized for both emergency and routine duties is determined by the dependability, speed, and accuracy of their communications system.

Effective command and control of police units during large-scale operations are essential to effective law enforcement. This capability takes on added significance when these incidents involve areas covering several jurisdictions, which often happens during civil disturbances, plane crashes, train wrecks, tornadoes, high-speed pursuits, etc. On these occasions cooperation and coordination of several police agencies are required.

In the past, because these various agencies operate on different radio frequencies, it has been impossible to mobilize all the police units involved under a single unified command. This has not only resulted in inefficient use of available police units, but it has also left many police units to operate without direction and without knowledge of the overall plan of action.

While inadequate communications have plagued law enforcement offi-

The radio operations room of District 9, Illinois State Highway Police, is one of the many base stations providing continuous monitoring and 24-hour service to the network.



The emergency mobile communications van of the Illinois State Highway Police houses Teletype facilities and radio equipment for all ISHP frequencies as well as the new emergency frequency. Note the 75-foot telescoping transmitting tower on top of the van.

cials for many years, only in the last few years has proper attention been given to the problem.

Various types of civil demonstrations, with their potential explosive nature, are placing demands on law enforcement agencies for trained police units capable of effectively dealing with these situations. They have also created a demand for a communication facility providing absolute unified control of the movements and actions of police squads at the scene, regardless of the frequency assigned to their agency for normal daily activities.

It was this problem that prompted a group of dedicated State, county, and city police officials, along with the Illinois Chapter, Associated Public-Safety Communications Officers, Inc. (APCO), to meet in Chicago, Ill., in 1963. These representatives wanted a radio communication network that would provide a direct link between every properly equipped police vehicle or police officer in the Chicago metropolitan area, with later plans to include the entire State of Illinois.

Basic Requirements

The first series of meetings established the basic requirements to be met:

1. The frequency for this network should be near 155 mc., since the majority of police agencies operate near this frequency and it would require less equipment conversions to facilitate use of this channel.
2. The channel must be available on instant demand. There must be no channel competition.

The first requirement presented the greatest problem. Almost 2 years were spent trying to obtain a usable channel—none was available.

It was not until a State police member of the group requested a meeting with Illinois State Highway Police Superintendent William H. Morris, past President of the International Association of Chiefs of Police (IACP) to discuss the problem that a solution began to take shape.

During this meeting with Superintendent Morris, he was requested to consider all of the possible ramifications involved before giving an answer. He was then asked if he would release one of the State highway police's 150 mc. channels for an emergency net. His reply, without hesitation, was, "If you believe it is in best interest of law enforcement, do it."

This statement did not convey its true significance unless you knew that he had literally given away one of only two 150 mc. channels the State had that could be used in the Chicago area.

After consultation with the Federal Communications Commission, permission was granted to establish a statewide emergency mobile intersystem radio network in accordance with the provisions of FCC Rule 89.309 (h)(8). The proposal submitted by the temporary committee contained provisions for:

1. Organizational structure of a governing board.
2. Qualification requirements for participation in the network.
3. Application procedure.
4. Operating procedure.
5. Procedures to deal with agencies who willfully violate operating agreements.

The temporary committee's initial proposal was presented to the Illinois Sheriffs Association and the Illinois Association of Chiefs of Police at their semiannual meeting early in 1965. The proposal was accepted and ratified by all organizations concerned. A permanent governing board was then appointed by responsible officers of the individual organizations.

The first meeting of the governing board of the Illinois State Police Emergency Radio Network (ISPERN), was held in March 1965. I was elected chairman, and Capt. William L. Miller, Chicago Police Department, was elected secretary. Rules governing the board's appointment and operation, application procedure for participation, operating procedure, and procedures for dealing with violations, etc. were established. The Frequency Advisory Committee of the Illinois Chapter of APCO coordinates all applications. All nonroutine applications are submitted to the governing board at its quarterly meeting. Special quorums are required at meetings of the board when the agenda includes changes in bylaws or policy, election of officers, and enforcement action against any participating department.

The board will study any complaints of violations and submit its recommendations to the superintendent of the Illinois State Highway Police, who is responsible for the emergency frequency since it is allocated to his agency by the Federal Communications Commission. Provisions are made for calling the board into special session when pressing business warrants.

The network was established under the provisions of FCC Rule 89.309 (h) (8), and concurrence to operate in this network will be granted, provided the applicant's operation complies with the following limitations:

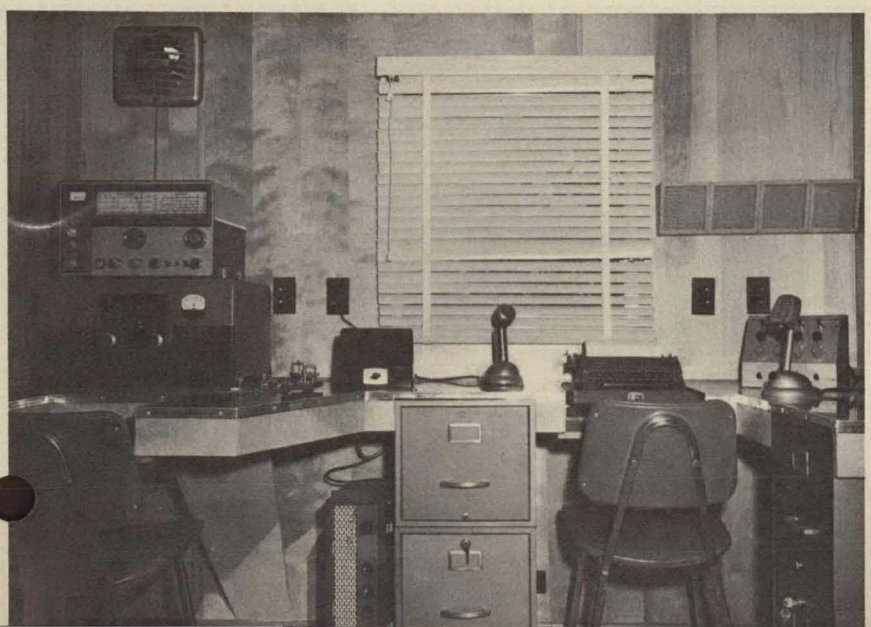
(a) "Except as provided for in paragraphs (b) and (c), the use of this frequency shall be restricted to emergency use requiring the coordination of mobile units of two or more police agencies whose regular police radio systems operate on different frequencies.

(b) "Stations participating in this emergency net shall render a communication service to itinerant police vehicles transporting prisoners and for other emergency radio traffic.

(c) "Except for itinerant Federal law enforcement vehicles, a police agency must be a licensee in the police radio service in order to be eligible for a license on this frequency.

(d) "Any law enforcement agency which has been granted approval to participate on the emergency frequency must maintain a continuous monitor.

Communications equipment and installations inside the mobile van are designed to eliminate wasted motion.



(e) "Willful and repeated violations of this agreement will be considered sufficient reason for cancellation of this concurrence."

Services Furnished

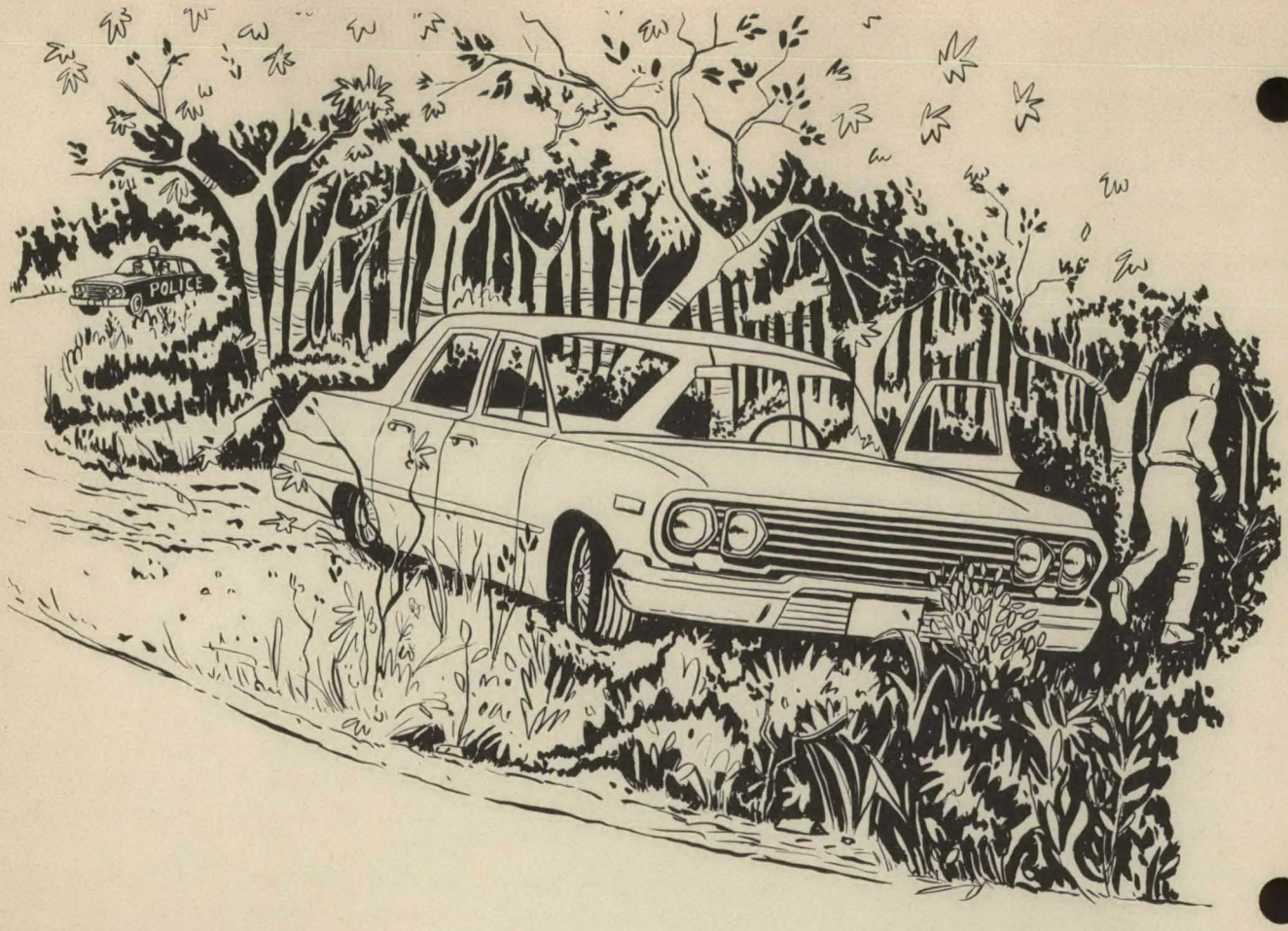
ISPERN is a statewide radio network with all Illinois State Highway Police district radio stations presently monitoring and providing 24-hour base station service. Over 40 different county and city police agencies are now participating in ISPERN, with many more agencies expected to apply.

An agreement is signed between all participating agencies and the State of Illinois Department of Public Safety for cooperative use of ISPERN, and a certificate of membership is furnished to each participant.

During the civil demonstrations at Cicero, Ill., in September 1965, ISPERN was used to great advantage in the coordination of radio traffic involving several different police agencies. Through this intersystem communications facility, better cooperation existed between agencies and better law enforcement resulted.

Experienced police officers believe ISPERN will fill a void in police communications throughout the State by providing mobile intersystem communication during emergencies. Strict regulation of the use of this frequency will assure its availability for coordinated activities between agencies during emergencies in what is believed to be the first statewide mobile intersystem network in the United States.

The California Public Safety Agency in June 1966 requested information from the Illinois Department of Public Safety as to the manner in which ISPERN was achieved. California now has its own emergency radio network operational. Any State wishing to organize its own interagency emergency radio network will be furnished the same information upon request.



Search of Motor Vehicles

This is the eighth of a series of articles discussing the Federal law on search of motor vehicles.

C. *Arrest Must Be Bona Fide*

Although an arrest may be lawful in the sense that it is based upon adequate probable cause, the proceeds of an incidental search will be inadmissible if the court finds the arrest was merely a convenient excuse or pretext for conducting the search. *U.S.* v. *Lefkowitz*, 285 U.S. 452 (1932); *Jones* v. *U.S.*, 357 U.S. 493 (1958); *Taglavore* v. *U.S.*, 291 F. 2d 262 (1961); *Worthington* v. *U.S.*, 166 F. 2d 557 (1948); *Henderson* v. *U.S.*, 12 F. 2d 528 (1926); *U.S.* v. *One 1963 Cadillac Hardtop*, 224 F. Supp. 210 (1963); *U.S.* v. *Pampinella*, 131 F. Supp. 595 (1955); *People* v. *Wolfe*, 147 N.W. 2d 447 (Mich., 1967). Police find the traffic violation the most convenient front, since it provides the greatest potential for arrest.

Few motorists can drive any substantial distance without committing some minor infraction of the motor vehicle code. See, *Brinegar* v. *State*, 262 P. 2d 464, 474 (Okla., 1953). Consequently, an officer lacking sufficient cause to arrest one suspected of a criminal offense will frequently look to traffic laws as a means of detaining and perhaps searching the person and his vehicle for evidence of the more serious crime. Apart from the fact that an incidental search for evidence unconnected with the arrest offense is generally not permissible, *Agnello* v. *U.S.*, 269 U.S. 20 (1925); *Gilbert* v. *U.S.*, 291 F. 2d 586 (1961); but see, *Watts* v. *State*, 196 So. 2d 79

(Miss., 1967); a search in this instance will fail for the additional reason that it is based upon a sham or pretext arrest. *Taglavore* v. *U.S.*, *supra; State of Montana* v. *Tomich*, 332 F. 2d 987 (1964); *State* v. *Michaels*, 374 P. 2d 989 (Wash., 1962); *Huebner* v. *State*, 147 N.W. 2d 646 (Wis., 1967). But see, *People* v. *Watkins*, 166 N.E. 2d 433 (Ill., 1960) (upholding search following arrest for parking too close to crosswalk where "the officers had reason to assume that they were dealing with a situation more serious than a parking violation").

This does not mean, of course, that a legitimate arrest for one offense which reveals evidence of another and more serious violation is rendered illegal because of the prior suspicions or knowledge of the police concerning such other offense. *Cook* v. *U.S.*, 346 F. 2d 563, 565 (1965). It means simply that an arrest cannot be made where it is prompted primarily by a desire to search for evidence of other crimes, or, as it is sometimes stated, where the arrest is but an incident of the search. *Henderson* v. *U.S.*, 12 F. 2d 528, 531 (1926); *White* v. *U.S.*, 271 F. 2d 829, 831 (1959). Thus, one appellate court refused to find that an arrest on a public drinking charge was a sham, despite the fact that the defendant, a narcotics suspect, was arrested by a narcotics squad officer following a brief surveillance. Upholding the admissibility of heroin seized from defendant's person, the court noted that every member of the police department has the right, if not the legal obligation, to arrest for misdemeanors committed in his presence. *Hutcherson* v. *U.S.*, 345 F. 2d 964 (1965). See also, *Cook* v. *U.S.*, *supra* (defendant, suspected of passing bad checks, was stopped for driving with faulty mufflers; a search of his person revealed evidence relating to illegal possession of Selective Service notification card).

Accordingly, once a bona fide stop or arrest has been made for a minor violation, the police can make an additional arrest for any other offense unexpectedly discovered during the course of the investigation. If, while questioning a motorist regarding the operation of his vehicle, an officer sees evidence of a criminal violation in open view, or in some other manner acquires probable cause on a more serious charge, he may arrest for that offense and incident thereto conduct an additional search for physical evidence. *Goodwin* v. *U.S.*, 347 F. 2d 793 (1965); *Busby* v. *U.S.*, 296 F. 2d 328 (1961); *Riggins* v. *U.S.*, 255 F. Supp. 777 (1966); *U.S.* v. *Barnett*, 258 F. Supp. 455 (1965) (evidence discovered in course of self-protective search for weapons); *U.S.* v. *Clark*, 247 F. Supp. 958 (1964). Under these circumstances, neither the arrest nor the search is tied to the traffic charge, but rather to the violation later discovered. See, *U.S.* v. *One Cadillac Hardtop*, 224 F. Supp. 212 (1963); *Brown* v. *U.S.*, 365 F. 2d 976 (1966).

U.S. v. *Owens*, 346 F. 2d 329, *cert. denied*, 382 U.S. 855 (1965), illustrates good police work by an alert officer who stopped a speeding automobile and was able to pyramid subsequent suspicious circumstances into probable cause to arrest on a felony charge. In that case, a codefendant, Howell, accompanied by Owens and one Hightower, was arrested for speeding on a turnpike. He showed the officer his driver's license but said that Owens had the registration certificate. The registration card produced by Owens was made out in the name of another party who Owens said was "a relation to him"; he did not know the party's address, although the address was shown on the card. See Government brief, pp. 6–7. Questioned further, Howell stated he did not know the owner of the car and neither he nor Owens was able to show permission to drive the vehicle. The officer, suspecting the automobile was stolen, inquired about the contents of the trunk, which Owens opened, disclosing three suitcases. Owens disclaimed ownership of one of the suitcases, which he stated was unlocked; opening it, the officer found in plain view a hypodermic needle of the kind used by drug addicts. On appeal from conviction of a narcotics violation, the court upheld the search and said:

> It is clear from the facts in the record that the arrest for speeding was not "a mere excuse to search" for narcotics . . . and was valid under Pennsylvania law. . . . The surrounding circumstances justified the arresting officer in suspecting that he was dealing with a situation more serious than routine speeding and he had reasonable grounds for believing that the car might be stolen. There was nothing to indicate that the officer suspected the presence of any narcotics or other violation until the suitcase was opened disclosing the needle. Considering the situation which faced the officer, his attempts to determine whether the car was stolen were not unreasonable or violative of the Fourth Amendment, and the evidence which was turned up was not the fruit of any "poisonous tree."

Determining the true motives of the arresting officer in these cases is sometimes difficult. One of the factors looked to by the courts is whether there has been any significant departure from normal search and seizure practices. For example, a full-custody arrest and search of a traffic offender or his vehicle will naturally be suspect if the established practice for that type of violation is merely to issue a summons. *State* v. *Michaels*, 374 P. 2d 989 (Wash., 1962); *Riddlehoover* v. *State*, 198 So. 2d 651 (Fla., 1967) and cases cited therein. It is also considered significant if an officer acts outside his usual job specialty in making an arrest. Of course every policeman has a general responsibility to arrest persons committing crimes, particularly if the offenses are committed in his presence. *Hutcherson* v. *U.S.*, *supra*. But it is fair to say that an officer in

(*Continued on page 18*)

An English Policeman in the United States

CHIEF INSPECTOR
JOHN P. DE B. KENNARD

Lancashire Constabulary,
Hutton, Preston, England

A Multnomah County officer and Chief Inspector Kennard discuss new interwoven expressways in Portland.

In the July issue the Bulletin published an article, "An American Policeman in England," by Lt. Robert C. Mitchell, Multnomah County Department of Public Safety, Portland, Oreg., relating to a 6-month experiment in which he exchanged home, car, and job with an English counterpart. This article is by Chief Inspector John P. de B. Kennard, the English officer who participated in the exchange. It is believed his observations on law enforcement in the United States will be of interest to our readers.

Law Enforcement

Foreign Exchange

Experiment

Lt. Robert C. Mitchell of the Multnomah County Department of Public Safety has already explained to you the brief terms of our exchange of duties and given you details of how it came about. It is my pleasant task to give you my impressions of the American law enforcement scene.

When I received a request from the FBI to write this article, I had already prepared comprehensive reports for my Chief Constable and others; however, I shall try to produce more original thoughts for your consideration.

I take great pleasure in reading the FBI BULLETIN, and in writing of my experiences, I should like to pay tribute to those FBI Agents whom I observed at work and whom I came to count as friends during my stay. In particular I remember Special Agent in Charge John H. Williams and his colleagues in Portland.

When I arrived in the Multnomah County Sheriff's Office in Portland, I naturally started to inquire from my new colleagues as to the problems existing in American law enforcement agencies.

Some of the more common problems relate to inadequate pay, poor facilities, public apathy, and a lack of public relations. I am sure that police officers outside the United States do not realize the extent to which the FBI has helped to improve American law enforcement through its many cooperative efforts, such as the Uniform Crime Reports program, provision of laboratory facilities, the training offered by the FBI National Academy, and the cooperation afforded the local agencies by FBI personnel.

I consider that I was fortunate to be working in American law enforcement at the time the President's Commission on Law Enforcement and Administration of Justice was carrying out its work, and at the present time I am in the process of reading the rather comprehensive report which has resulted.

One of the main recommendations of the report is that the commissions on peace officers standards and training (POST) which are operative in several States should be extended and given greater powers to set standards for agencies with regard to conditions of service, training, and promotion. Higher standards and qualifications

On his arrival in Portland, Chief Inspector Kennard was made an Honorary Deputy Sheriff by the then Sheriff of Multnomah County, Donald E. Clark.

Chief Inspector Kennard and his family used Lieutenant Mitchell's home in Portland.

could go a long way toward improving law enforcement in America, particularly in small, local departments. It is obvious to even the most uninformed observer that standards in local American police forces vary considerably. I believe that the strengthening of the POST commissions would so strengthen individual State and local law enforcement that more effective service would be immediately realized.

The quality of personnel in American police forces also varies considerably. This is due in the main to the local nature of law enforcement. Many agencies consist of only a few men policing small communities, and naturally the pay and conditions of service may not attract well-qualified personnel. In other areas one finds that policemen are elected to serve for specific periods, and in some counties sheriffs are not allowed to stand for reelection.

I appreciate some of the reasons for the electorate's insisting on maintaining a firm hold on law enforcement in view of some of its past failures. Surely the time has now come in many areas where greater trust can be placed in law enforcement officers, and in order to achieve this, agencies must be so organized that they can attract the better educated man who is more suited to be a police officer. With good pay and conditions, he can devote himself full time to his chosen career; whereas, to the person receiving inadequate pay, law enforcement is a second job to enable him to earn a living. There is no place in future law enforcement for "moonlighting."

Training

Fortunately, there are many agencies in America which are able to offer attractive salaries and conditions of service, and these agencies have fine training programs and modern equipment. I should like to see more advanced training within the service itself, but I was impressed with the liaison between the universities and colleges and individual forces, and the interchange of personnel, from a career in teaching to a career in law enforcement and vice versa.

I was pleased to see on my retu that many English universities are now offering scholarships to deserving police officers, but I should like to see some of our universities develop departments of police science similar to those existing at many American universities. The Police College itself may one day award its own degrees.

High Morale

During my stay in America I visited 30 police forces, and despite the many difficulties with which the police were faced, I found that morale was very high. I gained the impression that the American officer resigns himself to the problems facing him far more easily than his British counterpart.

One of the major problems facing the American officer is the complicated processes connected with the administration of justice. While the laws of evidence differ very little in theo from our own, in practice a far grea er burden is placed on the American officer to prove his case. I formed the impression that many trials are too heavily weighted on the side of the accused person, and trial judges are more concerned with the procedures adopted by the police rather than with the wrongs of the accused.

We are equally concerned in England and feel that the laws of evidence greatly favor the accused person. Our law itself is much more complicated than American law, but our court procedures, particularly those relating to appeal, are less involved. I was especially interested to note on my return that the new Criminal Justice Bill, which is under consideration by the British Parliament, is recommending majority verdicts in relation to jury trials and simplification of laws relating to larceny.

Another problem causing much concern in the United States, which

I as an outsider found of interest, is the racial issue. Attitudes toward race vary, depending on which part of the country you happen to be in. I was pleased to find that relations in Portland were very good. During the past few years racial disturbances have found the law enforcement officer caught in the middle. While trying to maintain impartial attitudes toward this problem, the American agencies have had to evolve methods to deal with it.

Many American police forces have had to organize and train special units to deal with racial disturbances, and more and more one sees these disorders assuming the appearance of military operations.

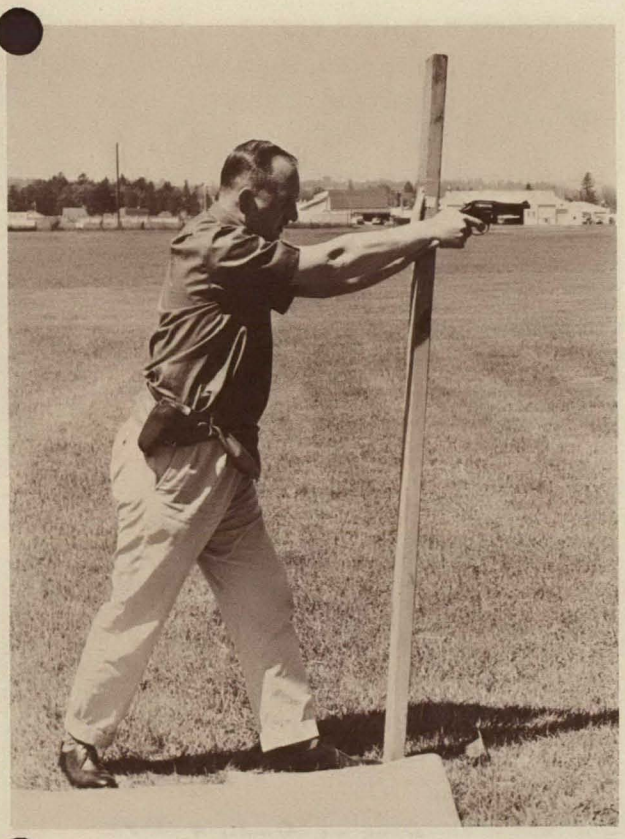
Both England and the United States have legislation to deal with discrimination against persons because of race, color, or creed. I believe, however, that legislation can never solve this type of problem, but is more likely to aggravate it. On the other hand, it is necessary for people of the same Nation to be assured of equality under the law.

Use of Firearms

The American police officer has an advantage over his English counterpart when it comes to dealing with dangerous criminals, in that he is armed. I believe that it is necessary for the American police officer to retain the use of firearms, as he is called upon to face situations involving their use fairly frequently. However, one would hope that, by educating the public to accept stricter control of firearms, the situation may arise one day when it is no longer necessary for police officers to be armed.

The violence which is so prevalent in America is bound to affect the police officer's attitude toward his daily task. It is unfortunate that many incidents which have caused criticism of the police have occurred as a result of officers using firearms when arresting persons. It is easy to be wise after the event, and although one tends to condemn actions resulting in death under these circumstances, it may well be that had firearms not been used by the officer, he himself might have been killed.

Violence breeds violence, and we in the British police service, although we suffer tragedies from time to time, believe that we have arrived at the stage where the police have the respect of the law-abiding public, so that when a police officer is faced with a situation involving violence, he can expect assistance from members of the public. It is surprising also that the general code of conduct of the British underworld is such that when an offense involving the use of firearms is committed, information as to the offender is usually not difficult to obtain.



Firearms training was afforded Chief Inspector Kennard during his stay in this country, and he qualified on the FBI Practical Pistol Course.

The Future

What lies ahead?

Police forces on both sides of the Atlantic cannot afford to be complacent. Statistics show that the criminal has it 60–40 in his favor at least, and we must realize that we are waging a war. I maintain that the way to improve our army is to consolidate its efforts, provide it with the most up-to-date equipment, extend its field of operation, and simplify the laws which it has to enforce. I believe that the British Government has now fully awakened to the seriousness of the problem. Problems in America are more complex, but both local and central governments are aware of the problems involved.

One of the more rewarding aspects of our visit was the interest shown by people outside the police service. The Americans we met were very interested in the "old country," and I was asked to speak at many functions connected with local organizations such

INVESTIGATORS' AIDS

ALL A MATTER OF PERSPECTIVE

In a recent bank robbery the meager descriptions of the robbers provided by witnesses were practically useless, principally because the robbers wore fullface plastic masks.

Automatic cameras were activated during the robbery and moving pictures made of all three subjects. These photographs provide some basis for establishing descriptions, but the angle of the cameras and unfamiliarity with the bank interior and distances involved make it difficult to put the subjects in perspective.

FBI Agents, wishing to obtain a sound basis for establishing size and more specific descriptions of the robbers, took numerous measurements. Then, various sized Agents, following the same procedures used by the robbers, were photographed by the cameras. With the development of these pictures, Agents are now in a better position to evaluate the data reflected in the movies taken of the robbers.

New Haven let. 3-7-67 Re: Unusual Investigative Techniques

FORCED SLUMBER

An armed robber held up a bank in Bordeaux, France, for a total of $4,000. After obtaining the money from the cashier, who was alone in the bank at the time, he took from his pocket a vial of chloroform, broke it on the counter, and forced it upon the unfortunate cashier until he became unconscious. Then he fled with the money he had stolen.

Paris crimdel 2-6-67
63-4296-231

ASSISTING THE OFFICER DO HIS DUTY

A new public law which makes it a misdemeanor for a motorist to ignore a police officer's signal to stop went into effect in the State of Michigan on March 10, 1967. The misdemeanor is punishable by a $1,000 fine or 1 year in prison. The new law also imposes a $1,000 fine and 2 years in prison upon any person causing an injury to a policeman which requires medical care or attention.

The law was passed with the intention of moving disputes over the legality of arrests from the streets into the courts. It will also serve to lessen the number of assaults on officers while they are making arrests.

Detroit crimdel 3-20-67
63-4296-15

TV TECHNIQUE

Following his arrest on Federal bank robbery charges, a suspect furnished details of his activities immediately after the holdup. After robbing the banking institution, he made his way on foot to his car which was parked about a block away. He then drove the car to the immediate area of the local police department and parked at a parking meter. He waited approximately an hour for the hubbub following the robbery to quiet down before reentering his car and driving away.

The robber admitted copying a technique he had seen on a TV show in which a fugitive who followed this plan had escaped arrest.

Louisville crimdel 6-21-66
63-4296-27

as the Kiwanis, Lions, Daughters of the British Empire, and Neighbors of the Woodcraft, to name but a few. My wife was invited to many functions organized by local women's organizations. My eldest daughter attended the Wilkes School at Portland, and I am sure that these interests which we were all able to share served to enhance for us what was the experience of a lifetime.

Memories

I may have been critical of certain aspects of police organization and the American way of life both during the time I was in America and since I returned home, but of one thing I am sure—nowhere have I ever experienced such wonderful hospitality.

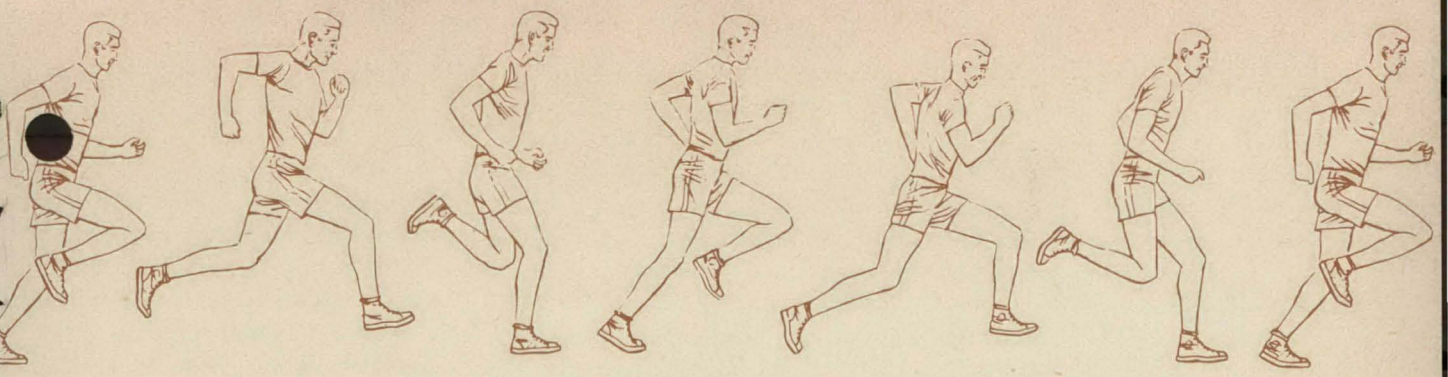
My most lasting memory of the United States will be the fervor for living which the American possesses. The average individual is completely uninhibited, he is delighted to meet you, he is curious and interested to know all about you, and he makes you appreciate that some of the things which you consider dull and routine are really interesting.

I am indebted to my colleagues in Multnomah County and my American friends, both within and without the police service, for providing my family and me a wealth of knowledge and pleasant experiences from which we shall benefit all our lives.

FOR FUTURE USE??

A prowler stole what he may have supposed to be a portable dishwasher from the trunk of a car. However, as such it would be totally useless. The "dishwasher" in fact is an embalming machine the representative of an eastern chemical company had planned to demonstrate at a convention of funeral directors.

Phoenix crimdel 4-14-67
63-4296-38



RUN FOR YOUR LIFE

(*Continued from page 6*)

1. Your heart continues to pound 10 minutes after exercise.
2. Your breathing is still uncomfortable 10 minutes after the exercise.
3. You are still shaky and exhausted 30 minutes after the exercise.
4. You cannot sleep very well the night following exercise.
5. You carry fatigue into the next day (muscle soreness doesn't count).[14]

Participants should wear comfortable clothing that is cool in the summer and warm in the winter. Rubber and plastic garments are not recommended; they cause excessive loss of perspiration and heat buildup. Shoes are probably the most important piece of equipment. They should be comfortable and have relatively firm soles. The marathon type track shoe worn by distance runners is recommended and is available at most sporting goods stores.[15]

The foregoing "5 W's and H" have a twofold purpose: (1) To motivate you toward taking positive action to combat the dangers of sedentary living, and (2) to serve as a guide for your running and jogging program.

You can erase any doubt which you may have as to whether you should engage in a program of this type by asking yourself these questions:

Are you overweight, soft, flabby, tired, and under par most of the time?

Do you look, feel, and act 10 years older than you actually are?

Have you started to waste away—to rust away from inactivity?

Does the slightest bit of physical exertion cause your heart to pound, make you gasp for breath, and leave you in a weakened and worn out condition?

Do you lack endurance, that inner reserve power which allows you to safely overcome situations requiring a maximum physical effort?

If your answer is "yes" to any one, any combination, or all of these questions, there should be no doubt whatsoever as to whether you need to run and jog. It will not only raise your level of fitness and permit you to enjoy life to the fullest, but it can be enjoyable and *fun*. Regardless of who you are, where you live, where you work, or when you work, you can "RUN FOR YOUR LIFE."

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[1] Cureton, Thomas K., Jr., "Physical Fitness and Dynamic Health," The Dial Press, 1965, pp. 36–43.
[2] *Ibid.*, p. 26.
[3] *Ibid.*, p. 27.
[4] Crozier, George, "A Leg Up On a Good Heart," Sports Illustrated Magazine, September 1964, p. 33.
[5] *Ibid.*
[6] *Ibid.*, p. 28.
[7] "Physical Fitness Program for Men," Pamphlet by Young Men's Association, Central Branch, Cleveland, Ohio, p. 3.
[8] Sudyk, Bob, "Fitness After 30," Pamphlet containing reprints from the Cleveland Press, Cleveland, Ohio, p. 1.
[9] Cureton, *op. cit.*, p. 160.
[10] Bowerman, William, and Harris, W. E., "Jogging, An Adult Physical Fitness Program," p. 3.
[11] Curtis, Charles, "Run for Your Life," Family Weekly Magazine, September 17, 1961.
[12] Bowerman, *op. cit.*, p. 19.
[13] "Where Do You Run," Today's Health Magazine, October 1964, p. 37.
[14] "Physical Fitness Program for Men," *op. cit.*, p. 7.
[15] Bowerman, *op. cit.*, p. 10.

CLAIM PROVED FALSE

The General War Claims Division of the Foreign Claims Settlement Commission of the United States submitted a questioned typewritten document to the FBI Laboratory with the request that an examination be made to determine its authenticity. The document was in the form of a grant transferring certain property to the claimant and was supposedly prepared in December 1940. The claimant sought compensation from the U.S. Government, in a modest amount, for damages during World War II sustained to personal property located in Greece.

Following a thorough examination, experts in the FBI Laboratory determined the document to have been prepared on a typewriter having a style of type designed in June 1950 and not in existence in 1940. Furthermore, the examiners determined the watermark in the paper to be from a run manufactured in 1958, and the signatures had been written with ballpoint pens which were not produced in quantity until 1943.

An expert from the Laboratory appeared before the Commission prepared to testify to his findings. Neither the claimant nor counsel for the claimant, who had been advised of Laboratory examinations, showed up for the hearing, which was tantamount to forfeiture of the claim.

SEARCH OF VEHICLES

(*Continued from page 11*)

a large metropolitan department who is assigned exclusively to gambling matters, or some other specialized vice unit, does not ordinarily enforce minor traffic laws, *e.g.*, parking too close to a crosswalk. See, Tiffany, McIntyre, and Rotenberg, Detection of Crime 136–141 (1967).

A combination of these factors led the appellate court in *Taglavore* v. *U.S.*, 291 F. 2d 262 (1961), to conclude that an arrest by warrant on a traffic charge was in fact a deliberate subterfuge to search the defendant for evidence of a narcotics violation. There an officer on the vice squad saw the defendant, whom he suspected of being engaged in illegal narcotics activities, commit two minor traffic violations—failing to signal for a right turn and having faulty brake and signal lights. The officer later testified that he did not issue a citation at that time because he was "busy doing other police work." Instead, he swore out a warrant for the defendant's arrest on the following day. The officers executing the warrant had been forewarned that there was an excellent chance the defendant would have marihuana cigarettes in his possession when they found him. When the officers saw Taglavore on the street later that afternoon and told him they had a warrant for his arrest, he quickly placed something in his mouth and dashed toward a nearby bar. The defendant was apprehended after a brief struggle and the remains of a marihuana cigarette were forcibly removed from his mouth. On review the appellate court reversed the conviction, stating that the arrest was a front to cover a search for marihuana cigarettes. "It is a matter of common knowledge," the court said, "and it was admitted by one of the arresting officers at the trial, that it is not ordinary police procedure to physically take a person into custody for a minor traffic violation . . . especially where no traffic ticket or citation has theretofore been given." In addition, the court took particular note of the fact that the warrant had been obtained by an inspector on the vice squad who had suspected the defendant of being active in narcotics trade. Under these circumstances, the court concluded, the true purpose of the arrest was obvious.

Clear Case

Taglavore was a rather clear case of a sham arrest. The specialized assignment of the complaining officer, his departure from normal arrest procedures, his prior suspicions concerning the defendant's narcotics activities, his expressed confidence that a search would reveal evidence of such activities, and the fact that he bypassed an earlier opportunity to arrest for another time and place all provided convincing evidence that the arrest warrant was used merely as a convenient justification to search. In situations where the arrest and search are made at the scene, defense counsel may make additional inquiries along the following lines: Was the defendant under surveillance prior to the stop? Was the arrest made in a high crime area? Were the officer's initial questions directed toward the purported traffic charge? Indeed, did he at any time ask to see the defendant's operator's license or vehicle registration? Questions of this type can be expected as a matter of routine whenever a search following a traffic arrest gives an officer probable cause to arrest for a second more serious violation. See 1 Varon, Searches, Seizures and Immunities 203–205 (1961). And if it is established that the paramount purpose of the arrest has been to search, any physical evidence so derived will be barred from admission against the accused.

D. *Search Must Be Contemporaneous With the Arrest*

Since the search is said to be an incident of the arrest, these two acts must be closely related in point of time; in essence, this is the meaning of the longstanding requirement that the search be *contemporaneous* with the arrest. Ideally, then, a vehicle should be examined for evidence of crime immediately after, and at the scene of, the arrest. But, of course, it is not always practicable to do so; consequently, the question involved here is: When and under what circumstances may an arresting officer delay his search until a later time or place without forfeiting his authority under the incidental search rule?

The leading decision in this area is *Preston* v. *U.S.*, 376 U.S. 364 (1964), involving the search of an impounded car after the occupants had been taken into custody. In that case police received a complaint at 3 o'clock in the morning that "three suspicious men acting suspiciously" had been seated in a car parked in a business district since 10 o'clock the previous evening. The officers went to the location and found the defendant and two companions in the car. When asked why they were parked there, the suspects gave unsatisfactory and evasive answers; they admitted they were unemployed and had only 25 cents among them. Although one of the men claimed ownership of the vehicle, he could not produce any title. The officers then arrested the men for vagrancy, searched them for weapons, and took them to police headquarters. Their automobile was towed to a garage. After the suspects were booked, several officers searched the vehicle and found two loaded revolvers in the glove compartment. They subsequently gained entry to the trunk and found caps, masks, a false license plate, and other items implicating the defendant in a conspiracy to

commit bank robbery. On review of his conviction, the Supreme Court held the search was "too remote in time or place" and therefore the evidence should have been suppressed.

Too often the initial reaction to court decisions which touch upon uncharted areas of the law is one of overinterpretation, with the result that the rules or policies adopted go beyond the actual language or intent of the opinion. The *Preston* case is no exception. Some enforcement agencies, for example, have read into the decision the blanket rule that *any* delay, regardless of the circumstances, will automatically bar the possibility of conducting a lawful incidental search. This interpretation was seemingly borne out by an early district court opinion which excluded physical evidence found in a suspect's vehicle where Federal agents removed the car from the flow of traffic in a town square before commencing the search. But *Preston*, itself, does not go that far and no appellate case since *Preston* has sugggested that the requirement of contemporaneity can be satisfied only by a search conducted at the immediate time and in the immediate vicinity of the arrest. *People* v. *Webb*, 424 P. 2d 342 (Calif., 1967); *State* v. *Wood*, 416 P. 2d 729, 733 (Kans., 1966). Most courts recognize that compelling situations are certain to arise in which common sense would require that the search be postponed until a later time.

The prevailing view is that *Preston* requires simply that there be a common purpose in making the arrest and the search and, further, that the two acts be part of a continuous series of events. The former requirement, of course, introduces no innovation in the law, since it has long been the rule that one can search only for physical evidence of the crime for which the arrest is made. Justice Black pointed out in a later opinion that *Preston* was based partly on the assumption that the arrest was not related to the purposes of the search. *Cooper* v. *California*, 386 U.S. 58 (1967). See also, *State* v. *Fioravanti*, 215 A. 2d 16 (N.J., 1965); *State* v. *Wood*, *supra* at 733. Since there are no implements, fruits, contraband, or other physical evidence connected with the crime of vagrancy, it was clear that the search had been undertaken for an exploratory purpose in the hope that it might reveal the commission of some other offense.

In addition to a continuity of purpose, the arrest and the search must also be part of one continuous operation, without any sharp interruption between the two acts. This emphasis on "a continuing series of events" is to be found wherever "contemporaneity" is in issue, whether the subject of the search is a motor vehicle, fixed premises, or the person of the accused. See, *e.g.*, *State* v. *Wood*, 416 P. 2d 729 (Sup. Ct. of Kans. 1966) (where the rule was phrased in terms of whether the arrest, removal of the automobile, and its search were "a series of events constituting one continuous happening"); *Arwine* v. *Bannan*, 346 F. 2d 458 (1965); *Trotter* v. *Stephens*, 241 F. Supp. 33 (1965) (held search of car obtained incident to and contemporaneous with arrest of defendant "was merely part of one continuous act, even though interrupted by the arrest of [codefendant] in the interim"); *Price* v. *U.S.*, 348 F. 2d 68, 70 (1965) (held search of vehicle in police parking lot "was part of a continuing series of events which included the original arrest and continued uninterruptedly as lawful police investigation and action"); *Rhodes* v. *U.S.*, 224 F. 2d 348 (1955) (part of one continuous transaction); *Clifton* v. *U.S.*, 224 F. 2d 329 (1955); *U.S.* v. *Jackson*, 149 F. Supp. 937, 941 (1957); *People* v. *Webb*, *supra* (search of car after it had been towed from the scene of the arrest to police parking lot upheld as part of "continuing series of events"); *Holt* v. *Simpson*, 340 F. 2d 853 (1965) (search of premises prior to arrest sustained as "but part of one transaction"); *King* v. *Pinto*, 256 F. Supp. 522 (1966) (search of petitioner's apartment "a few minutes" after his arrest in rear of apartment house upheld; quoting from *State* v. *Doyle*, 200 A. 2d 606, 611 [N.J., 1964], the Federal district court said: "It is sufficient if the valid arrest and search are reasonably contemporaneous, that is, they occur as parts of a single transaction, as connected units of an integrated incident"); *U.S.* v. *Masini*, 358 F. 2d 100 (1966) (search of arrestee after brief delay to allow for telephone call to police headquarters was "part of one continuous operation"); *U.S.* v. *Erskine*, 248 F. Supp. 137 (1965) (valid search of person made 20 minutes after arrest where "the entire activity was one continuous sequence"); *State* v. *Darbabasek*, 412 S.W. 2d. 97 (Sup. Ct. of Mo., 1967) (search of defendant's person 2 hours after arrest declared permissible as a "continuation of the process of the arrest, a unit of the integrated 'incident'").

Simply stated, the "continuous operation" concept means only that there should be no *unnecessary delay* before making an incidental search. [An interesting parallel is found in one case where similar terminology was employed in defining "necessary delay" for purposes of the Federal prompt arraignment statute. *Perry* v. *U.S.*, 347 F. 2d 813 (1964); see, 54 Geo. L.J. 185, 224, 238–39 (1965).] Here again, this is simply a restatement of the settled rule that the search should follow as soon after the arrest as circumstances will permit. Obviously, the examination cannot be postponed merely to suit the personal convenience of the investigating officer. *Petty* v. *State*, 411 S.W. 2d 6 (Ark., 1967).

If there are "unusual circumstances" in the case which prevent an immediate search, the car should be removed to the police station or some other suitable location and searched in the presence of the accused. See *Arwine* v. *Bannan*, 346 F. 2d 458 (1965). One such situation is an emergency which would make it dangerous or otherwise unreasonable for the officers to search the car immediately at the scene of arrest. Thus, in *People* v. *Webb*, 424 P. 2d 342 (Calif., 1967), the California Supreme Court upheld a later search of a vehicle at the police station, stressing the fact that gunfire and the subsequent crash of the defendant's car had attracted a large crowd, requiring that additional policemen be summoned to control the mob. In another case, a Federal court pointed out that the arrest was made in a "crowded, sub-standard neighborhood," where a prolonged stay necessary to conduct a thorough search of the vehicle might "trigger an explosive situation." *U.S. ex rel Montgomery* v. *Wallack*, 255 F. Supp. 566 (1966).

Other delays held not to violate *Preston* include those occasioned by removal of the car from a heavily traveled highway, *State* v. *Anderson*, 148 N.W. 2d 414 (Iowa 1967) (car taken to police station); or from a location where it might present a substantial hazard to oncoming motorists, *State* v. *Schwartzenberger*, 422 P. 2d 323 (Wash. 1966) (car moved to off-street parking lot); see also, *People* v. *Webb*, *supra* at 354, fn. 4; or where a burglary suspect was kept in his automobile for 3 hours as a decoy for the arrest of his accomplice. *Arwine* v. *Bannan*, *supra*. A later search has also been sustained where it was necessary to permit a more thorough and scientific examination of the automobile at a subsequent time, *People* v. *Talbot*, 414 P. 2d 633 (Calif. 1966); and, more simply, where it was "prudent" to move the car to a more convenient or suitable location for the search. *State* v. Wood, 416 P. 2d 729, 733 (Kans. 1966). In still another case, the need to protect the defendants from the elements and to afford the officer "better conditions for the search" justified a brief delay until the sheriff's office was reached. *State* v. *McCreary*, 142 N.W. 2d 240 (S. Dak. 1966) (suspects arrested on an open highway on a "typically cold winter evening in northern South Dakota"). Some leeway can also be expected where the delay is prompted by concern for the personal safety of the investigating officer. In most cases it would be unwise for a patrolman to attempt a search of the vehicle while maintaining custody over a prisoner; this is particularly true where more than one suspect is being detained. Only the most doctrinaire reading of *Preston* would hold that a postponement under such circumstances—to allow for the arrival of additional officers or to permit removal of the vehicle to a safer location—was unnecessary delay.

But even though conditions may preclude a complete search of the automobile at the scene, if the situation will allow, it is advisable to initiate the search at the time and place of the arrest and to resume it back at the station. The courts seem to have less difficulty justifying a delay in these circumstances, since it is generally reasoned that the later examination is simply part of the original search. *People* v. *Webb*, 424 P. 2d 342, 355 (Calif. 1967). Thus, in *People* v. *Moschitta*, 25 A.D. 2d 684 (2d Dept. 1966), police officers searched the interior of the car at the time of defendant's arrest for auto theft but found no incriminating evidence. However, a later search at the station disclosed a pistol in the trunk of the vehicle and led to the defendant's indictment for possession of a weapon. Reversing an earlier order granting the defendant's motion to suppress, the court admitted the weapon in evidence, stating: "The subsequent search at the police station, made in an effort to ascertain the identity of the owner of an apparently stolen car, may be characterized as a continuation of the original search." Accord, *People* v. *Hatch*, 25 A.D. 2d 606 (4th Dept. 1966); see also, *Drummond* v. *U.S.*, 350 F. 2d 983 (1965) (search of vehicle initiated outside restaurant in which defendant was arrested and continued back at police lot).

Finally, a separate but analogous situation is presented when incriminating evidence is discovered by the officers, either with or without a search, at the time the arrest is made, but actual *seizure* of such evidence is delayed until a later time. The courts have generally sustained this practice on the theory that the property is taken into custody by the police at the time of the arrest, and by removing the car to the police station and taking away the items already observed in the vehicle, the police do no more than effectuate the seizure made at the moment of arrest. *State* v. *Fioravanti*, 215 A. 2d 16 (N.J. 1965). This is so, even if the latter examination discloses additional evidence of the crime. In effect, the initial invasion of the defendant's privacy occurs when the arrest is made, and, where the evidence is in open view, no further breach is involved by its subsequent examination.

For example, in *Price* v. *U.S.*, 348 F. 2d 68, *cert. denied*, 382 U.S. 888 (1965), a store was reported burglarized, and among the items stolen were a safe, an envelope containing $500 in bills, and several rolls of quarters including two in orange-colored paper bound in an old rubber-band. The police found the getaway car 4 hours later, parked near the scene of the crime. Plainly visible through the windows of the car were a spare license plate, burglary tools, an envelope, and two orange-colored

rolls of quarters wrapped together with an old rubberband. A few minutes later the defendant arrived at the vehicle and was arrested. He was then taken to the station house while an officer drove his automobile to the parking lot. Upon arrival, the items seen by the officers were immediately removed from the vehicle. The envelope was later found to contain brass fittings also identified as having been in the stolen safe.

The circuit court affirmed the conviction, ruling that the search at the station was valid under *Preston* because these articles were seen by the officers at the time the arrest was made. Since the property came under the control of the police when they first arrested the defendant, they could lawfully have taken possession of the articles at any time thereafter. *People* v. *Webb, supra.* The fact that they chose to delay the technical seizure until after such evidence was transported in the defendant's car to headquarters did not affect its admissibility in court. *People* v. *Rodgers*, 362 F. 2d 358, 362 (1966); *People* v. *Webb, supra; People* v. *Evans*, 240 Cal. App. 2d 291, 299 (Calif. 1966); *State* v. *Fioravanti*, 215 A. 2d 16 (N.J. 1965); *State v. Putnam*, 133 N.W. 2d 605, 609 (Nebr. 1965). See also, *State* v. *Hunt*, 424 P. 2d 571 (Kans. 1967) (search of vehicle and seizure of cigarettes from trunk after removal of vehicle to station were "merely cumulative" to seizure of cigarettes seen in rear of car at time of arrest).

In summary, where there are unusual circumstances such as those described above, the arresting officer may defer his search until after the suspect and his vehicle have been removed to the police station or to some other suitable location. In such a case the search should be initiated *immediately* upon arrival and, preferably, in the *presence of* the accused. See, *Arwine* v. *Bannan, supra* (stressing

(*Continued on next page*)

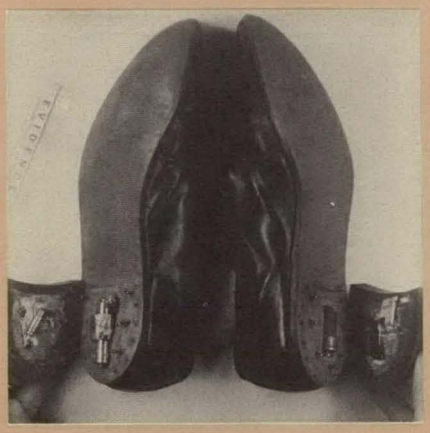
NATIONWIDE CRIMESCOPE

ACHILLES HEEL

When searching arrested individuals, law enforcement officers should never take anything for granted. Nothing should ever preclude a complete and thorough search at the earliest possible moment after the arrest. The sole of a shoe, the sleeve of a jacket, and even the bandage of a wound can be secure hiding places for weapons of many shapes, sizes, and assortments. Be thorough, be complete, and be sure in your searches.

As a case in point, FBI Agents and local law enforcement officers recently apprehended a man who was charged with murdering a husband and wife in a western State. At the moment of his arrest, authorities discovered $1,039 in cash, a loaded .45 automatic pistol, and a loaded .25 caliber pistol, but to complete their search, they closely checked his shoes and clothing.

Inside his removable shoe heels, they discovered a small but effective zip gun that could very well have been used to kill an unsuspecting officer or guard.



Heels removed, showing zip gun in two parts.

Inserting a bullet in breech of zip gun.

Detroit let. 1-12-67 Re: Thomas Julius Sergent, Jr.; ITSMV UFAP - Murder, Article for FBI LEB

A HELPING HAND

After serving 16 months in a reformatory for burglary, an ex-convict opened an employment agency. The object of the organization reputedly was to assist ex-convicts in obtaining employment upon their release from prison. At the time he organized the company, the man received a great deal of newspaper publicity commending him for his public-spirited endeavors.

Unfortunately, the lure of temptation was too great. He was arrested by FBI Agents in connection with an Interstate Transportation of Stolen Property case in which he was charged with receiving and selling rare coins stolen in a $60,000 burglary.

Cleveland crimdel 12-20-66
63-4296-11

(*Continued from page 21*)

"presence" as one of the factors distinguishing that case from *Preston*).

The brevity of the delay in conducting a search has been emphasized in several decisions and, as indicated, is one of the underlying notions in the "continuous operation" concept often expressed by the courts in this context. *People* v. *Webb*, 424 P. 2d 342 (Calif. 1967); *U.S.* v. *Price*, 348 F. 2d 68, *cert. denied*, 382 U.S. 888 (1965); *Arwine* v. *Bannan, supra; State* v. *McCreary*, 142 N.W. 2d 240 (S. Dak. 1966). Thus, it is fair to assume that any postponement to permit booking of the suspects or the completion of other administrative procedures prior to examination of the car would fall within the prohibitions of the *Preston* doctrine.

In the October 1966 term, the Supreme Court again had an opportunity to consider the propriety of a warrantless vehicle search conducted at a police station. In *Cooper* v. *California*, 386 U.S. 58 (1967), the defendant was arrested for selling heroin, and his car was taken into custody under a State statute which provides that any vehicle used to store, conceal, transport, sell, or facilitate the possession of narcotics should be impounded and held as evidence pending forfeiture proceedings. Eight days after the defendant's arrest and the seizure of his vehicle, the car was searched and evidence was discovered which was used to obtain a conviction. In a decision written by Justice Black, the Court held that under the circumstances of this case the examination or search of the car validly held by the police for use *as evidence* in a forfeiture proceeding was reasonable under the fourth amendment. *Preston* was distinguished on the ground that the officers in that case had impounded the vehicle simply for the defendant's convenience following his arrest on a vagrancy charge. There was no indication "that they had any right to impound the car and keep it from Preston or whomever he might send for it." Here, seizure and custody of the vehicle were required because of the nature of the crime for which the petitioner was arrested. And once custody was so acquired, "It would be unreasonable to hold that the police, having to retain the car in their garage (pending forfeiture proceedings), had no right, even for their own protection, to search it."

Reactions Mixed

The reaction among the lower courts to *Cooper* has been mixed. Some judges have read the opinion, as did the four dissenting justices, as overruling the *Preston* case. See, *People* v. *Webb*, 424 P. 2d 342 (Calif. 1967), Peters, J., concurring. Others have indicated that *Cooper* modified *Preston* to the extent that the police may now search an impounded vehicle at a time and place remote from the arrest so long as the search is for evidence connected with the crime for which the arrest was made. See, *e.g.*, *State* v. *Hunt*, 424 P. 2d 571 (Kans. 1967); *Stewart* v. *People*, 426 P. 2d 545 (Colo. 1967). It is doubtful that either view is entirely correct. The latter interpretation would trivialize *Preston* by applying its restrictions only where the search was for physical evidence unrelated to the crime of arrest. But an examination of this type has long been held to exceed the bounds of a legitimate incidental search. *Agnello* v. *U.S.*, 269 U.S. 20, 30 (1925); *Gilbert* v. *U.S.*, 291 F. 2d 586 (1961). Moreover, *Preston* was the first unanimous search and seizure opinion handed down by the Supreme Court in over 30 years. At the very least, it is unlikely that the Supreme Court would overrule the decision or so emasculate the doctrine as to nullify it just 2 short years after its pronouncement. And since Justice Black authored both opinions, it can hardly be said that he was unaware of the full implications of the previous ruling.

It is submitted that while *Cooper* undoubtedly broadens police authority to examine certain impounded cars for evidence of crime, it in no way undercuts the requirement that an incidental search be conducted at the same time and the same place as the arrest. It is more accurate to say that the concern of *Cooper* is less with the *search* of a vehicle incident to arrest than with the examination of a car which has lawfully been *seized* and is held as evidence by the police. In *Cooper*, the car was taken into custody pursuant to a State forfeiture provision. Once seized, the police had complete dominion and control over the vehicle; consequently no further trespass against the property was committed by the subsequent examination. Since the seizure of forfeitable vehicles is well established in the law, this aspect of the opinion was fully consistent with existing doctrine. See discussion V. Seizure of a Vehicle for Forfeiture Purposes.

Evidence of Crime

Justice Black was careful to point out, however, that the Court's opinion was not based solely on the application of State forfeiture laws. The real inquiry, he said, is "whether the search was reasonable under the Fourth Amendment." The facts in this case indicated that the automobile had been used to carry on the possession and transportation of narcotics. As a result, it was itself evidence of the crime rather than, as one court put it, "merely a container of incriminating articles." *People* v. *Webb*, *supra* at fn. 3. Thus, the search "was closely related to the reason petitioner was arrested, the reason his car had been impounded, and the reason it was being retained." The broad implications of this language are that the defendant's vehicle could properly have been taken into custody as an instrumen-

tality of the crime at the time the arrest was made. In this respect the [illegible]e is similar to the *Price* decision, discussed earlier, where it was held that police officers, who had made what was tantamount to a contemporaneous seizure of evidence within the car, had the right to examine such evidence at a later time. In *Cooper*, the *entire automobile*, not simply its contents, was evidence of the crime, since it had been used to transport contraband items. It was, therefore, an implement of the offense found in the control or possession of the accused at the time of his arrest.

Johnson v. *State*, 209 A. 2d 765 (Md. 1965), discussed in Section II.B. Limitations on the Use of a Warrant, offers an excellent illustration of the application of this approach. There the suspect was arrested on a charge of rape and his vehicle was towed to a police station, where a search disclosed incriminating evidence. Three days later sweepings and dust samples were taken from the car. [illegible]sustaining these delayed searches, the Maryland Supreme Court distinguished *Preston* on the ground that the "automobile had been used as an instrument in the perpetration of the alleged crime." Consequently, "the automobile itself could have been offered *in evidence* at the trial. Having lawfully *seized* it, the police had the right to examine it after the seizure for evidence in connection with the crime." (Emphasis added.) *State* v. *Anderson*, 148 N.W. 2d 414 (Iowa 1967) (search of vehicle at police garage was reasonable because the car was an instrumentality used in the carrying of concealed weapons and the possession of burglary tools); *Abrams* v. *State*, 154 S.E. 2d 443 (Ga. 1967) (suspect's vehicle seized at time of his arrest "as an implement used in the commission of the crime of rape"); *Trotter* v. *Stephens*, 241 F. Supp. 33 (1965) (sustaining search where defendant's "automobile was an instrumentality of the crime, and unlike *Preston* . . . it was examined closely at the time of arrest and searched a few hours later"). See also, *People* v. *Webb*, 424 P. 2d 342, fn. 3 (Calif. 1967); *People* v. *Miller*, 53 Cal. Rptr. 720, 738–739 (Calif. 1966); *U.S.* v. *Doyle*, 373 F. 2d 543 (1967).

In short, the *Cooper* decision seems to indicate that the particular basis on which the vehicle was seized was immaterial; in that case, custody could have been acquired on probable cause to believe either that the car had been used in violation of forfeiture laws, or that it was an implement of the crime for which the arrest was made. In either event, once the vehicle was lawfully seized, it could properly have been searched without a warrant regardless of whether such search was contemporaneous.

Should Go Further

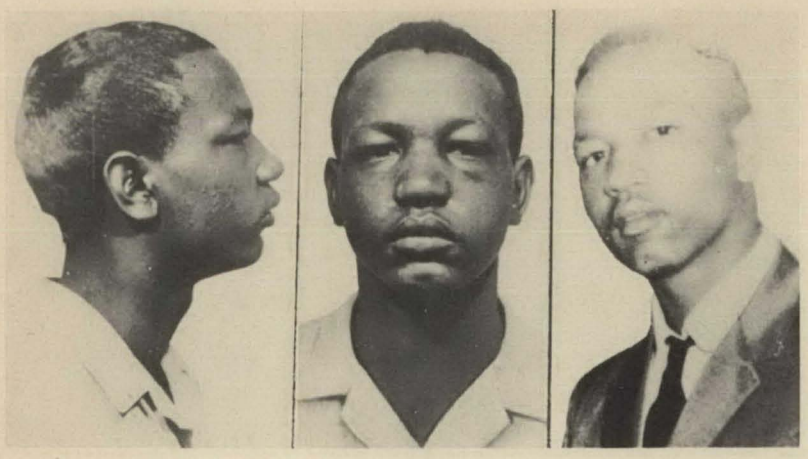
Logically, this seizure concept should go beyond implements of the crime to include, as well, situations in which the suspect's automobile was a fruit of the offense (if stolen), a form of derivative contraband (where put to illegal use), or even where it constituted "mere evidence" of the offense for which the arrest was made. *Warden, Maryland Penitentiary* v. *Hayden*, 387 U.S. 294 (1967). If it can reasonably be said that under the circumstances the automobile falls within one of these conventional categories of seizables, the officer theoretically can lawfully take the car into custody and examine it at a later time, without obtaining a warrant. This broadened approach is highly speculative at this time; it ought not to be implemented by any department without first consulting the prosecuting attorney's office. Nonetheless, *Cooper* argues well for the acceptance of a general seizure authority which would permit the police to obtain custody of a motor vehicle in the same manner as any other item of personal property deemed to offend the law.

This is not to say, however, that the police may dispense with the usual constitutional requirements simply because a car is in lawful custody. The question to be answered in each instance is: How, and for what purpose, was custody of the vehicle acquired? But where, as in *Preston*, the suspect's automobile was in no way connected with the offense for which the arrest was made, it could only be impounded by the police for purposes of safekeeping. Plainly, there was no legal justification for a seizure of the car in the sense that it could be held against the demands of the defendant or "whomever he might send for it." It is fair to say that the impounding officer in that case was acting in the status of an agent for the defendant and acquired only such authority over the car as was necessary to insure its safekeeping. Under these circumstances the examination was for inventory purposes alone and it could not have as its objective the discovery of evidence of crime. See discussion IV. Examination of an Impounded Vehicle, *supra*. See also, *Draper* v. *Maryland*, 265 F. Supp. 718 (1967); *Heffley* v. *State*, 423 P. 2d 666 (Nev. 1967); *People* v. *Prochneau*, 59 Cal. Rptr. 265 (Calif. 1967).

Thus, where the car is not related to the arrest offense and cannot be held as evidence, the Cooper doctrine is inapplicable, even though the vehicle may *contain* items of evidentiary value. In the absence of a warrant or lawful consent, an officer must look either to the Carroll rule or to the search incident to arrest as a basis for his entry into the vehicle. Should he resort to the latter alternative, the full requirements of *Preston* are applicable. Accordingly, any delay in the search which is not justified by "unusual circumstances" will invalidate the evidence.

(To be continued in November)

WANTED BY THE FBI



LEROY BEACH, also known as: Leroy Benjamin Beach (true name), Leroy Beech, "Doc."

Interstate Flight—Murder

LEROY BEACH is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder. A Federal warrant for his arrest was issued on December 10, 1965, at Philadelphia, Pa.

The Crime

During a heated quarrel in a Philadelphia restaurant on November 20, 1965, Beach allegedly stabbed and killed a 49-year-old man. He reportedly stabbed the victim in the chest with a knife having a 6-inch blade.

The Fugitive

Beach has been employed as an automobile mechanic and laborer and is reportedly an excellent dancer. He is described as having a violent temper and has been convicted of larceny of an automobile and of receiving stolen goods.

Beach should be considered very dangerous. He is being sought for a murder by stabbing and has a violent temper. He allegedly carries two knives at all times.

Description

Age	23, born May 28, 1944, Georgetown County, S.C.
Height	6 feet, 2 inches to 6 feet, 3 inches.
Weight	165 to 175 pounds.
Build	Slender.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	Negro.
Nationality	American.
Occupations	Automobile mechanic, laborer.
Remarks	Reportedly an excellent dancer.
FBI No.	995,569 E.
Fingerprint classification	14 O 14 U 000 I 22 U 000

Notify the FBI

Any person having information which might assist in locating this fugitive is required to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the phone number of which appears on the first page of most local directories.

NO RING, NO ENTRY

A burglary ring operating in Salt Lake City, Utah, was uncovered recently and its leader sentenced to serve from 1 to 20 years in prison. As a result of the arrest of the gang's leader, 92 cases of burglary were cleared up. Property loss for which the gang was responsible amounted to over $42,000.

The telephone was one of many devices used by the ring to check out residences and business places before entering. They would select a residence they wished to burglarize. Then one of the members of the gang would go to a telephone booth in the vicinity and call the residence. If no one answered the phone, the caller would leave the receiver off the hook in the booth, and members of the ring would approach the residence. If they could hear the telephone ringing when they arrived, the gang members knew that all was clear for their burglary of the residence.

Salt Lake City crimdel 2-24-67
63-4296-44

TRAINING BOOKLET

An FBI booklet entitled "Physical Training" is available to local, State, and Federal law enforcement agencies. The booklet shows several different exercises and self-conditioning routines to develop dexterity and endurance.

Interested agencies may obtain copies free of charge on a limited basis by writing to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

U. S. GOVERNMENT PRINTING OFFICE : 1967 O - 274-163

FOR CHANGE OF ADDRESS

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name) (Title)

(Address)

(City) (State) (Zip Code)

A WOMAN'S WAY

Upon being interviewed, a 57-year-old woman estimated that she had received approximately $100,000 from her fraudulent checkpassing activities during a 2-year period. A U.S. district court had just sentenced her to serve a 2-year term in connection with these activities. She had previously been sentenced to 8 years on similar offenses.

Her method of operation was to open a checking account at various banks with a cash deposit, rent an apartment with a good mailing address, and give every indication of actually planning to establish residence in the community.

Approximately 2 weeks after opening the account, she would deposit a fraudulent certified check and at the same time withdraw a portion of the amount. On one occasion the check was for the amount of $6,550 of which she withdrew $500 on depositing the check. The next day she cashed a check for $2,000. She would repeat this performance at each bank where she had opened an account.

Another procedure she followed was to always park her car in an area some distance away from her apartment and take a cab to the apartment. Similarly, leaving her car in a parking lot some distance away, she would take a cab on her visits to the bank.

On some occasions rather than taking an apartment in the same community where she practiced her crooked banking activities, she would stay in towns as much as 200 miles away, fly or drive to the communities, leave her car (if she drove) in a parking lot, and take a cab to the bank.

She also admitted having her own printing press, check protector, and two typewriters, all of which she used in the preparation of the fraudulent certified checks.

Pittsburgh Crimdel 11-1-66
63-4296-39

REQUEST GRANTED

A man on the street asked a city police officer on the west coast if he could sleep in the city jail that night. The officer, noticing that the man had a tattoo of an eagle on his right forearm, was happy to accommodate him. He remembered having seen a teletype item a few days earlier concerning a State penitentiary escapee who had just such a tattoo. A check disclosed that the man was in fact the escapee. He was returned to the penitentiary to complete a 10-year term imposed some 3 years earlier for armed robbery.

Portland Crimdel 12-2-66
63-4296-40

FBI SERVICE AGENCY

Fingerprint data appearing in the FBI's Identification Division are exchanged, on a cost-free basis, with local, State, and Federal law enforcement agencies throughout the country.

DEWIGGED FOR DRUGS

Police in an eastern city, suspecting they would find the narcotics they were seeking, gently lifted a wig from a woman's head and some 50 bags of heroin fell out. The dewigged damsel was so resentful at thus being "scalped" that she grabbed a hunting knife. In the ensuing scuffle with the officers, 25 additional bags of heroin cascaded from the bosom of her dress.

Philadelphia 1-18-67
63-4296-37

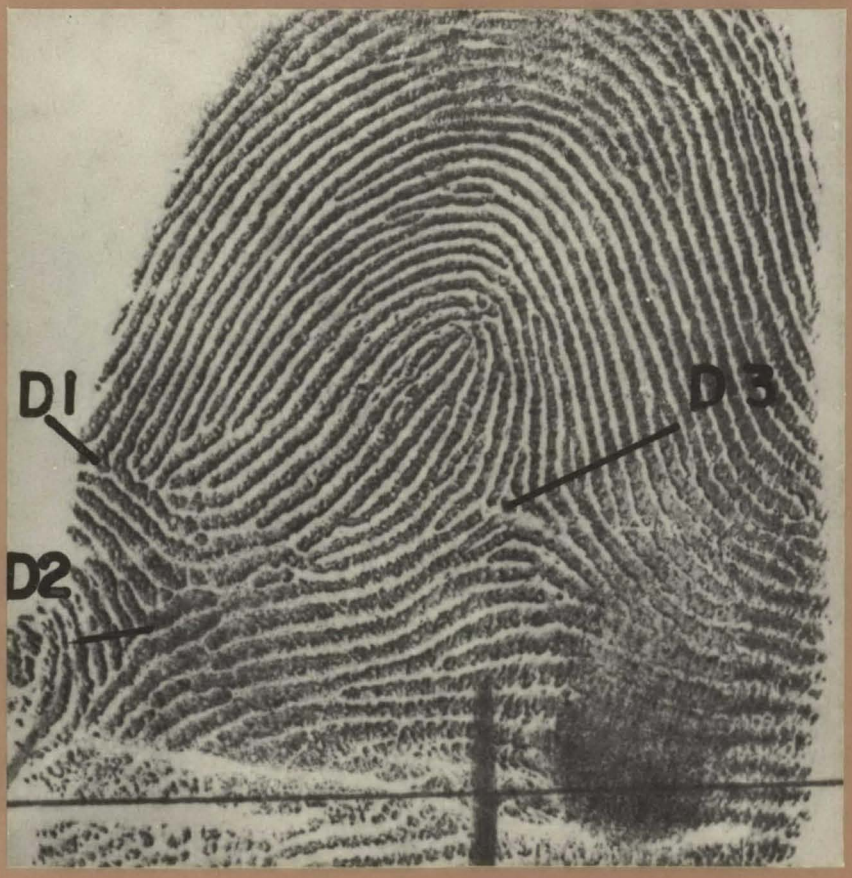
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN



The unusual and questionable pattern presented here is classified as an accidental whorl with an inner tracing. There are three deltas located at D1, D2, and D3. Because deltas D1 and D2 are so near the edge of this impression and may not appear in a partially rolled impression, this pattern is referenced to a loop.